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Matthew Duncan

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H.R. Rep. No. 804, 25th Cong., 2nd Sess. (1838)

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MATTHEW DUNCAN.

APRIL 19, 1838.

Read, and laid upon the table.

Mr. E. WHITTLESEY from the Committee of Claims, made the following

REPORT:

*The Committee of Claims, to which was referred the petition of Matthew Duncan, report :*

That the petitioner was late a captain in the corps of dragoon rangers, in the service of the United States, and during a part of the period of his service he had charge of one or more recruiting stations. He stands charged on the books of the Second Auditor of the Treasury with the sum of \$424 98, arising from not accounting for the articles put into his hands, as an officer of the United States army. He endeavors to account for this deficiency in the three following ways, to wit :

1st. A small portion was lost upon certain campaigns in which he was engaged on the Western frontier, owing to his having no subaltern officer attached to his company at the time of the discharge of the soldiers who had charge of said property.

2d. The greatest part of said deficiency, he supposes, arises from the error committed in receipting for the property when he was on the recruiting service in Connecticut and Massachusetts.

3d. He shipped articles to Major Wilcox, which have not been fully receipted for by him; and he swears to the truth of his petition, and is the only testimony to sustain it.

He urges that he should be exonerated from paying the said defalcation, from the causes that contributed to it, and from the fact that he turned over to Major Wilcox, public property of the value of \$867 61 that was not charged against him.

In an affidavit sworn to by him on the 8th of August, 1837, before Robert Getty, justice of the peace, he attempts to account for the following property, which is supposed to be the property he says in his petition he lost on the Western frontier, to wit : Four axes were lost in the spring of 1836, by the sinking of a body of ice at Fort Leavenworth. Four spades were unavoidably lost, two by being left upon the march to Paunee Picts, and two were lost by the running away of a mule in the woods in the summer of 1836. Twenty-one hats were unavoidably lost, or worn out and thrown away, by the troopers in an expedition to the Osage villages and to the Grand river, in 1836. Four camp-kettles and mess-pans were lost by the running away of a mule, on which they were packed, in the month of July, 1836. One bed-sack, worn out and thrown away.

At the close, he says that "I made out a return for company C's prop-

erty in August, 1836, which I gave, with the vouchers, to a soldier to take to the post office at Fort Leavenworth, which accounted for most, if not all, of the property for which I stand charged on the books of the Second Auditor of the Treasury; for the recovery of which, or the duplicates, I must depend for the future adjustment of that matter, not here accounted for."

The committee obtained from the Second Auditor a schedule of the articles deficient in settling for company C on the 1st of August, 1836. They are as follows:

2 cotton shirts, at	\$ 43 $\frac{1}{2}$	-	-	\$ 87 $\frac{1}{2}$
17 flannel do. at	1 15 $\frac{1}{2}$	-	-	19 63 $\frac{1}{2}$
10 flannel drawers, at	52 $\frac{1}{2}$	-	-	5 27 $\frac{1}{2}$
12 pair of boots, at	1 47	-	-	17 64
8 axes, at	1 25	-	-	10 00
21 hatchets, at	70	-	-	14 70
10 spades, at	62 $\frac{1}{2}$	-	-	6 25
9 camp-kettles, at	1 00	-	-	9 00
2 mess-pans, at	40	-	-	80
1 bed-sack, at	-	-	-	1 72 $\frac{1}{2}$

\$85 89 $\frac{1}{2}$

The reason assigned above is different from that assigned in this petition. Here, the desertion of a soldier with his vouchers, prevents him from accounting for this property, and the want of subaltern officers at the time the soldiers were discharged, is the cause assigned in his petition for not accounting for it; or, as it was stated in the petition, that there must have been an error in receipting for the property, by substituting boots for blankets. The committee requested the Second Auditor to furnish a copy of the list of articles he claimed as being a surplus, to determine whether the error could be rationally accounted for in the manner mentioned.

In the list of articles in which he is deficient in recruiting returns for clothing, are 196 pair of boots, at \$1 46 per pair, \$286 16.

In the list of surplus public property turned over in the 2d quarter of 1837, to Major Wilcox, is the article of blankets, as follows: 67 blankets, \$201.

The value of these articles is not the same, nor so near alike as to sustain the assumption of the petitioner. The surplus articles are not the kind of articles contained in the list of deficiencies.

The surplus articles are accounted for by the Auditor as having been left by deserters, and reissued and receipted for by other recruits, who had been enlisted after the desertion had taken place.

This position is very strongly sustained by Captain Duncan's remarks, in his return for the quarter ending the 30th of June, 1837. He says, "I have here taken no account of the property gained by desertion, because it is impossible for me to make a just estimate, as business was so widely spread, and I had to depend upon citizens, who never gave me an account of the clothing so obtained; there were in all about sixty desertions."

The surplus articles are such as soldiers deserting would leave. The regulations of the Department require officers to make quarterly returns "of all clothing left by deserters," showing the name of each deserter,

and the number and kind of articles left by him. This regulation Captain Duncan failed to comply with.

There is no ground to suspect that Major Wilcox did not receipt for all the articles sent to him. The positions taken by the petitioner are inconsistent and irreconcilable. If it be true, as stated by him, that boxes No. 11 and 12 contained blankets instead of laced boots, and if he lost, as he said he did, on the Western frontier, where would be any thing left for Major Wilcox to omit to receipt? The amount would be trifling. If he has ascertained that boxes 11 and 12 contained blankets instead of laced boots, the error, on being established, would be corrected in the Purchasing department.

As the claim appears now before the committee, he is not entitled to relief. The following resolution is submitted :

*Resolved*, That the petitioner is not entitled to relief.